

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

SEP 30 2013

Clerk, U.S. District Court
District Of Montana
Missoula

JASON CHRIST,

Plaintiff,

vs.

STATE OF MONTANA, CITY OF
MISSOULA POLICE
DEPARTMENT, OFFICE OF THE
PUBLIC DEFENDER, DETECTIVE
STACY LEAR, JUDGE KAREN
TOWNSEND, and MISSOULA
COUNTY DISTRICT ATTORNEYS
JENNIFER CLARK and ANDREW
PAUL,

Defendants.

CV 13-75-M-DWM

ORDER

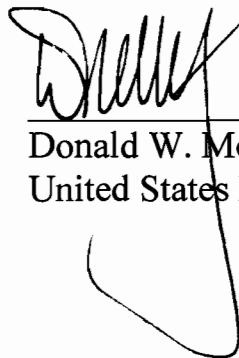
This matter comes before the Court on a Motion to Dismiss pursuant to Federal Rule of Civil Procedure 4(m) filed by Defendants Jennifer Clark and Andrew Paul. (Doc. 9.) Plaintiff Jason Christ filed the Complaint giving rise to this action, asserting claims under 42 U.S.C. § 1983. United States Magistrate Judge Jeremiah C. Lynch entered Findings and a Recommendation on the pending Motion on August 29, 2013. Pursuant to 28 U.S.C. § 636(b)(1), objections to the Findings and Recommendation entered by Judge Lynch were due by September 16, 2013. No objections were filed.

The Court reviews the findings and recommendation of a United States Magistrate Judge for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error is present only if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

After a review of Judge Lynch’s Findings and Recommendation, I find no clear error. Mr. Christ’s claims against Ms. Clark and Mr. Paul are subject to dismissal without prejudice, pursuant to Rule 4(m), for his failure to complete proper service.

Based on the foregoing, IT IS ORDERED that Judge Lynch’s Findings and Recommendations (doc. 20) are ADOPTED IN FULL. The Motion brought by Ms. Clark and Mr. Paul (doc. 9) is GRANTED. Mr. Christ’s claims against Ms. Clark and Mr. Paul are hereby DISMISSED without prejudice.

DATED this 30th day of September 2013.

A handwritten signature in black ink, appearing to read 'Donald W. Molloy', is written over a horizontal line. A long, sweeping line extends from the end of the signature across the page.

Donald W. Molloy, District Judge
United States District Court